

REMARKS

Examiner has rejected Applicant's Claim 2 under 35 U.S.C. 103(a), as being unpatentable over Stadler (U.S. Patent 5,559,491) in view of Aaron (U.S. Patent 5,745,030) in view of He et al. (U.S. Patent 6,452,488). The Applicant traverses said rejection.

Neither Stadler '491 nor Aaron '030 discloses the use of a strobe light. While He '488 discloses the use of a light, He's utilization is the opposite of what is taught in the present invention.

He utilizes a fixed light, mounted on the roof of a car. The present invention utilizes a light, but the light is retractable into a container so that the light is not energized, and not deployed, when in the non-emergency, or normal, state. In the He disclosure, He teaches a light that is mounted, fully visible at all times, and the light is energized when in the non-emergency, normal, state. "In use, the user activates the vehicle theft indicating device 10 by depressing the button on the transmitter 26. **Upon a thief entering the vehicle 35, the light-emitting member 25 would be turned off.** The vehicle theft indicating device 10 would be activated upon the user entering the vehicle by the user depressing the button on the transmitter 26 so that the light-emitting member 25 is energized and glows" (Column 43, lines 44-52) (emphasis mine).

In the present invention, the function of the lights is the opposite of that taught by He. In the present invention, the lights are deployed and energized when there is an emergency situation, such as an accident. In this way, cars that would be concealed by brush or trees when they were accidentally driven off the road, would be visible by the appearance of the flashing strobe. In the He scenario, the light would be turned off in an emergency situation. If a car equipped with the He configuration of the device, was accidentally driven off the road, the emergency signal would turn the light off, defeating the purpose of the highly visible light.

As the He device is not compatible with the Aaron or Stadler device, in that the He device illuminates, and hence functions, in a non-emergency state, the He device should not be combined with the Stadler or Aaron devices. Applicant submits that the He device should not be used as prior art in combination with the Stadler or Aaron devices.

Secondly, He does not teach a light that has two locations, that is the deployed location and the non-deployed location. In the present device the light is retracted, and hence protected and not visible, in the non-deployed state. Only when the emergency system is activated, by an accident or other emergency occurrence, do the lights extend from their containment and are then energized and visible.

The Examiner objected to Claims 6 and 7 as being dependent upon a rejected Claim (Claim 2). Applicant has amended Claim 2 as set forth above. Applicant submits that the amendments to Claim 2 fully respond to Examiner's rejections, and overcome the Examiner's rejections.

Lastly, Examiner rejects Claim 8 under 35 U.S. 103(a). Applicant submits that the amendments to the Claims, in particular Claim 2, as set forth above, responds to, and overcomes, the Examiner's rejection.

Based on the foregoing, the Applicant requests that the Examiner's objections and rejections be withdrawn, and the application pass forward to issue.